

Application Serial No. 10/615,899
Reply to office action of September 23, 2005

PATENT
Docket: CU-3282

REMARKS/ARGUMENTS

As set forth above, claims 2-10 have been cancelled. New independent claims 11 and 12 have been added. Since the basic filing fee allows for three (3) independent claims, an additional fee for the new claims is not required.

In the Office Action mailed September 23, 2005, claims 1 and 6 were rejected under 35 U.S.C. §112, ¶1 because these claims recited the step of preparing a reaction unit using chlorine series gas. Claims 1-10 were also rejected under 35 U.S.C. §112 ¶2 as being indefinite because independent claims recited steps that recited the preparation of a reaction unit using chlorine gas, which the Examiner said was ambiguous because the term "preparing" was unclear.

Claim 1 has been amended to delete the step of "preparing a reaction unit using chlorine series gas." Claim 6 has been cancelled. Thus, the Examiner's rejections of claims 1 and 6 under 35 U.S.C. §112, ¶1 and the Examiner's rejection of claims 1-10 under 35 U.S.C. §112 ¶2 have been traversed.

Claims 1-10 were also rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,635,569 to Ameen et al. While the Applicant acknowledges that Ameen et al. discloses cleaning a chemical vapor deposition chamber with a chlorine-containing gas and thereafter forming a plasma of a gas containing ammonia, hydrogen and argon, Ameen et al. does not show or suggest the mixtures of gases that are now recited in claim 1 as amended or as they are recited in new claims 11 and 12.

Unless the Examiner can identify by column and line number, where Ameen et al. teachings or suggests the claimed mixtures, the claims should be allowed over the Ameen et al. reference.

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Claims 1, 3, 6 and 8 were also rejected under 35 U.S.C. §102(e) as being anticipated by U.S. publication 2004/0013818 to Moon et al.

The Examiner's reliance on Moon et al. is improper. As shown on the front page of Moon et al., (2004/0013818 A1) the earliest possible priority date that Moon et al. is entitled to is July 19, 2002. As shown on the front page of the Applicant's published application, (20002/007248 A1), the Applicant is entitled to claim July 12, 2002 as his filing date. Moon et al. therefore does not qualify as prior art under 35 U.S.C. §102(e).

Even if Moon et al. was relevant prior art, Moon et al. does not show or suggest the mixtures of gases that are now recited in claim 1 as amended or as they are recited in new claims 11 and 12.

Claims 2, 4, 5, 7, 9 and 10 were rejected under 35 U.S.C. §103(a). These claims have been cancelled. Their rejection therefore is now moot.

For the reasons set forth above, the Applicant respectfully submits that pending claims 1, 11 and 12 are allowable over the prior art of record. Accordingly, their consideration and allowance is respectfully requested.

Respectfully submitted,

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